

Application ref: 2024/2819/P
Contact: Obote Hope
Tel: 020 7974 2555
Email: Obote.Hope@camden.gov.uk
Date: 19 December 2024

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Monmouth Planning Ltd
38A
Monmouth Street
LONDON
WC2H 9EP

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**50 Earlham Street
London
WC2H 9LJ**

Proposal: Change of use of the premises from Class E (commercial) use to sui generis use as a competitive socializing bar/restaurant venue and/or for Class E use and alteration to the shopfronts on both the Earlham Street and Shelton Street frontage.

Drawing Nos: BB_CG_1020_01; BB_CG_1020_03; BB_CG_1020_04;
BB_CG_1020_05; BB_CG_1020_08 REVA; BB_CG_1020_06 REVA;
BB_CG_1020_07; BB_CG_1020_09; BB_CG_1020_10; Planning, Design and
Heritage Statement dated October 2024 REV1; Location Plan by Planning Portal
and Servicing and Operational Management Plan REV1.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: BB_CG_1020_01; BB_CG_1020_03; BB_CG_1020_04; BB_CG_1020_05; BB_CG_1020_08 REVA; BB_CG_1020_06 REVA; BB_CG_1020_07; BB_CG_1020_09; BB_CG_1020_10; Planning, Design and Heritage Statement dated October 2024 REV1; Location Plan by Planning Portal and Servicing and Operational Management Plan REV1.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The opening hours of the business, and use shall be limited to the following times: 10:30 to 00:00 Monday to Saturday, and 12:00 to 23:30pm on Sundays and Bank Holidays.

Reason: To safeguard the amenity of the adjoining premises and the area generally in accordance with policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 The premises shall only be open to customers between the hours of 10.30 and 00:00 Monday to Saturday and 12:00 to 23:30 Sundays and Bank Holidays. New Admission to the premises shall be restricted after 23:00, with no new patrons allowed entry after this time. All patrons must vacate the premises by 00:00 Monday to Saturday and 23:30 on Sundays and Bank Holidays.

Reason: To safeguard the amenity of the adjoining premises and the area generally in accordance with policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 No servicing shall take place outside the following hours: 08:00 to 18:00 Monday to Friday, 09:00 to 18:00 on Saturdays and no servicing on Sundays except refuse collection between the hours of 09:00 to 18:00.

Reason: To safeguard the amenity of the adjoining premises and the area generally in accordance with policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 7 The proposed use shall be undertaken in accordance with the document 'Servicing and Operational Management Plan REV1'.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, C5, TC2 and TC4 of the London Borough of Camden Local Plan 2017.

- 8 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, A1, and A4, TC1 and TC2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reason for granting planning permission:

The unit has been in Class E use and was formerly a restaurant, whilst the site is currently vacant the premises was previously occupied by Bierschenk providing a bar and restaurant use at basement and ground floor level. The basement area occupies the full extent of the warehouse and internally, the ground floor consists of the area spanning between the two entrances where an industrial lift with steel concertina doors is accessed from the ground floor and links to the basement, a timber ramp providing level access to the lift, open plan spaces and visible extraction ducts linked to the basement area beneath. There is a metal and timber staircase to basement level with double height ceilings to the basement space.

The application is for a change of use from Class E (commercial) use to sui generis use as a competitive socializing bar/restaurant venue and/or for Class E use and alteration to the shopfronts on both the Earlham Street and Shelton Street frontage. Plan policy E1 - Economic development and Policy E2 - Employment premises and sites aim to ensure that the borough's economy will be strong, diverse and that Camden's residents can play a role in this.

Policy TC2 (Camden's centres and other shopping areas) states that the Council will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors. The policy seeks to: 'protect and enhance the role and unique character of each of Camden's centres, ensuring that new development is of an appropriate scale and character for the centre in which it is located; provide for and maintain, a range of shops including independent shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice.

Camden's Local Plan Policy TC4 on Town centres uses states that the Council will consider the health impacts of the development of drink, entertainment in the borough. other town centre uses do not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours, especially if the proposal has a potential to have an impact with noise and vibration generated either inside or outside of the site. There is no particularly high concentration of businesses providing entertainment "competitive socializing" in the immediate area that cumulatively would be considered to have a harmful effect caused by such uses. Namely, crime and antisocial behaviour, including littering.

In this case, the application is for a change of use and a number of internal and external alterations to allow Bat and Ball, to operate at the site. The business is

considered to be a restaurant/drinking establishment and the principle of the change of use to "sui generis" within the specified "competitive socializing bar/restaurant" use is considered acceptable given the Council wishes to see a wide range of entertainment uses within its centres and not just those that primarily involve drinking. Thus, the use of the site as a competitive socializing bar/restaurant is considered suitable use that contribute towards this. Moreover, the use proposed change of use to would strengthen Camden's nationally important economy, in terms of business and employment, the entertainment, culture, entertainment and tourism and to secure benefits for local people to reduce inequalities in the borough through increased access to jobs, skills, training and education opportunities, ensuring nobody gets left behind.

2 Reason for granting permission, pt2:

The exterior works involve the removal of existing paint as well as the insertion of new timber door on Shelton Street and display of new signage. These works are also reversible and will not impact the significance of the building. New steps to Shelton Street is proposed. However, these would be a steel construction and would not be excavated into existing fabric and the proposed work would also be reversible and essentially temporary in nature.

The replacement of the external glaze door is considered acceptable in design and appearance and the replacement timber door would be considered an enhancement to the Shelton Street elevation. Likewise the installation of a new step entrance is required to provide accessibility to a range of individuals which would be a welcomed addition. the external works also consist of the repainting of previously painted brickwork and none of which is considered to harmfully impact on the character and appearance of the conservation area.

Special attention has been paid to the desirability of preserving the listed building and its setting or any features of special architectural or historic interest which it possesses, and to preserving or enhancing the character or appearance of the conservation area, under and s. 66 and s.72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

In terms of neighbouring amenity. It is likely that some noise may be generated by the occasional queueing outside to enter the premises for this reason a condition restricting the opening times of business would be added if permission is granted. The hours suggested would be 10.30am- 00.00 Monday to Saturday and 12pm to 23:30 on Sundays and Bank Holiday. This should protect nearby residents from undue noise disturbance on the street at anti-social hours.

Objections were received from Mr Stuart and from owner/occupier at 10 Shorts Garden the objections received from on the following grounds that the proposed change of use takes a relatively large space suitable for a food-led business. However, in order to mitigate any negative impact on neighbouring occupiers and residences in terms of noise and disturbance, a condition

restricting the entry time for new customers to the permission if granted. The hours suggested for opening of are as follows: New Admission to the premises shall be restricted after 23:00 with no new patrons allowed entry after this time. All patrons must vacate the premises by 00:00 Monday to Saturday and 23:30 on Sundays".

3 Reason for granting permission, final:

However, whilst it is likely that some noise may be generated by the occasional queueing outside to enter the premises for this reason a condition restricting the opening times of business would be added if permission is granted. The hours suggested would be 10.30am- 00:00 Monday to Saturday and 12pm to 23.30 on Sundays and Bank Holidays. This should protect nearby residents from undue noise disturbance on the street at anti-social hours. Notwithstanding this, Servicing at antisocial hours can be disturbing to residents due to the noise associated with deliveries and refuse collections (particularly those involving bottles and beer barrels) and the impact this can have on traffic congestion due to the narrow streets. Therefore, a condition is attached requiring servicing to be restricted to between the following hours: 08:00 to 18:00 Monday to Friday, 09:00 to 18:00 on Saturdays and no servicing on Sundays except refuse collection between the hours of 09:00 to 18:00.

Objection was also received about the opening hours and suggested that the premises should be closed at 23:00. However, officers felt that a condition would be attached to mitigate the concerns to ensure that no music is audible from outside the premises which would require no music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway. Furthermore, a condition would be attached to restrict entry to the premises and new Admission to the premises shall be restricted after 23:00, with no new patrons allowed entry after this time. This condition also addresses the concern in relation to the principle of the change of use. All patrons must vacate the premises by 00:00 Monday to Saturday and 23:30 on Sundays and Bank Holidays. It should also be noted that objections from Covent Garden Community Association (CGCA) who acts representative voice of the residents, business community and working population of Covent Garden, the owner/occupier of Flat E 40 Earlham Street and owner/occupier of 3 Odhams Walk have all been withdrawn given the conditions attached if planning permission was granted.

Overall, due to the nature and scale of the proposed works, it is not considered that undue harm would be caused to the residential amenities of neighbouring properties, and for this reason the proposal is in accordance with Local Plan Policies A1 and A4 and the Amenity CPG. The site's planning history has been taken into account when making this decision.

As such, the proposal is in general accordance with Policy A1, A4, D1, D2, D3, C1, C3, TC2 and TC4, of the Camden Local Plan 2017. The proposed development also accords with the policies of the London Plan 2021 and National Planning Policy Framework 2023.

4 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and

emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

- 5 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 6 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 7 Biodiversity Net Gain (BNG) Informative (1/2):
The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.
The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below, but you should check the legislation yourself and ensure you meet the statutory requirements.
Based on the information provided, this will not require the approval of a BGP before development is begun because it is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).
++ Summary of transitional arrangements and exemptions for biodiversity gain condition
The following are provided for information and may not apply to this permission:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.
3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
4. The permission is exempt because of one or more of the reasons below:
 - It is not "major development" and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
 - It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).
 - The application is a Householder Application.
 - It is for development of a "Biodiversity Gain Site".
 - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).
 - It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

8 Biodiversity Net Gain (BNG) Informative (2/2):

+ Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

++ The effect of section 73(2D) of the Town and Country Planning Act 1990
 If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission ("the earlier BGP"), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect both the post-development value of the onsite habitat and any arrangements made to compensate irreplaceable habitat as specified in the earlier BGP.

++ Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024

9 You are advised that condition 4 means that no customers shall be on the premises and no externally audible activities associated with the use, including

preparation and clearing up, shall be carried out otherwise than within the permitted times.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer